HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE G.V. SEETHAPATHY

Writ Appeal No.713 of 2006

Between:

Pragathi Educational Society, rep. by its President, S.Jaipal Reddy, Narayanapet, Mahbubnagar District. … Appellant

And

Secretary, Board of Intermediate Education, Andhra Pradesh, Hyderabad & others. … Respondents

:: JUDGMENT ::

Counsel for the Appellant : Sri P.Amarender

26th June, 2006

Per G.S.Singhvi, C.J.

This is an appeal for setting aside order dated 20th April, 2006 passed by the learned Single Judge whereby he declined to issue a mandamus to the respondents to allot examination centre for Intermediate Public Examinations, 2006 to the appellant.

The appellant is a society registered under the Societies Registration Act. In 1995-96, the Board of Intermediate Education (for short 'the Board') is said to have granted permission to the appellant to establish an un-aided junior college. In 2005, the college established by the appellant was allotted an examination

centre for Intermediate Public Examinations. However, in the year 2006, the Board did not allot examination centre to the college, apparently because of less student strength.

The appellant challenged the decision of the Board in Writ Petition No.3375 of 2005. In the affidavit filed by Sri S. Jaipal Reddy, President of the appellant society, it was averred that the Board has declined allotment of the college as an Examination Centre on the basis of unfounded allegation of unfair means and non-compliance of the norms regarding payment of salaries to the teaching staff and examination personnel. It was further averred that the reasons mentioned in communication dated 17-2-2006 sent by the Board are incorrect and legally untenable.

The learned Single Judge dismissed the writ petition by observing that the appellant does not have any legal right in the matter of allotment of college as an examination centre and the decision taken by the Board cannot be characterized as arbitrary.

We have heard Sri P.Amarender, Advocate for the appellant and are convinced that the appeal is liable to be dismissed by being treated as a piece of frivolous litigation.

In the writ petition filed by it as also the memorandum of appeal, the appellant has neither pleaded nor the material has been placed before the Court to show that allotment of the particular college as an examination centre can be claimed by any institution as of right. This subject is not shown to be governed by any law enacted by the Parliament or State Legislature or rules framed by the State in exercise of its power of delegated legislation.

During the course of hearing, we asked the learned counsel whether the Board has framed any set of rules or regulations for

allotment of examination centre. In reply, the learned counsel submitted that no rules have been framed but some instructions have been issued. He further argued that the decision of the Board should be declared illegal and quashed because the same was founded on allegations qua which no notice was given to his client.

In our opinion, the submission of the learned counsel is thoroughly misconceived. Since the issue relating to allotment of colleges for examination centre is not governed by any statute, we see no reason to hold that non-allotment of the college established by the appellant as an examination centre for the year 2006 has resulted in violation of any of its legal or constitutional right.

The appellant's plea that the decision of the Board should be declared as vitiated due to violation of the rules of natural justice is meritless and is liable to be rejected because it has failed to show that allotment of the particular college as examination centre can be claimed as a matter of right or that the decision of the Board has adversely affected its legal or constitutional right.

A reading of the order under challenge further shows that the Board decided not to allot the college established by the appellant as an examination centre for the year 2006 because the total students available on its rolls were only 23, whereas, as per the guidelines issued by the Board, there should be at least 100 students in every calendar year before a particular college can be allotted an examination centre. The other reason for declining allotment of the college as examination centre was that the appellant had not paid remuneration to the teachers and examination staff.

Learned counsel for the appellant could not show that the aforementioned reasons are unfounded. Therefore, we do not find

any valid ground or justification to interfere with the order of the learned Single Judge.

In the result, the appeal is dismissed. We would have saddled the appellant with costs, but refrain from doing so because the appeal is being dismissed at the threshold.

G.S.SINGHVI, C.J.

26th June, 2006

G.V.SEETHAPATHY, J.

ARS/svs